

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

VICTOR ADIUKU,

Plaintiff,

VS.

CVS PHARMACY, INC.,

Defendant.

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CIVIL ACTION NO. H-04-3130

**MEMORANDUM AND ORDER**

Pending before the Court are Plaintiff Victor Adiuku's motions to compel mediation, Docket No. 30, and for a continuance of the trial date, Docket No. 31. After considering the motions and the applicable law, the Court finds that they should be and hereby are **DENIED**.

The motion to compel mediation is Mr. Adiuku's second such motion. At a hearing held on the previous motion, the Court urged the parties to discuss, in good faith, the possibility of mediating this case. The Court also advised the parties, however, that it is not the practice of this Court to compel mediation. Accordingly, the motion to compel is **DENIED**, and Mr. Adiuku is hereby **ORDERED** to refrain from filing any further such motions.


In support of his motion for a continuance of trial, Mr. Adiuku, who is *pro se*, asserts that he needs an additional ninety days to secure the services of an attorney. The Court notes that Mr. Adiuku's prior counsel withdrew from this case in December 2005. The fact that Mr. Adiuku has not been able to obtain new representation in the five months that have since elapsed indicates that an additional ninety-day extension is unlikely to enable him to do so. Moreover, this case is now approaching its second

anniversary, in contravention of this Court's usual practice of bringing cases to trial within fifteen months of filing. Accordingly, Plaintiff's motion for a continuance is hereby **DENIED**. Trial will commence, as scheduled, at 8:30 a.m. on June 26, 2006, in Courtroom 8C.

In closing, the Court notes that, in recent weeks, Mr. Adiuku has been in frequent telephonic contact with chambers staff regarding pending and upcoming motions. While the Court and its staff strive to provide a user-friendly environment for litigants and their counsel, telephone calls to chambers are generally discouraged, due to the risk of inadvertent *ex parte* communications. In order to avoid such breaches, the Court hereby **ORDERS** Mr. Adiuku to communicate with the Court, in future, only in writing.

**IT IS SO ORDERED.**

**SIGNED** at Houston, Texas, on this the 12<sup>th</sup> day of June, 2006.

  
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KEITH P. ELLISON  
UNITED STATES DISTRICT JUDGE

**TO INSURE PROPER NOTICE, EACH PARTY WHO RECEIVES  
THIS ORDER SHALL FORWARD A COPY OF IT TO EVERY  
OTHER PARTY AND AFFECTED NON-PARTY EVEN THOUGH  
THEY MAY HAVE BEEN SENT ONE BY THE COURT.**